

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

OGC Has Reviewed

OGC 76-5547

7 OCT 1976

Honorable Richard L. Thornburgh
Assistant Attorney General
Criminal Division
Department of Justice
Washington, D. C. 20530

Dear Mr. Thornburgh:

This is in response to the questions in your letter to the Director of 17 September 1976 concerning your investigation of the alleged unauthorized release of classified information furnished by the Executive Branch to the House Select Committee on Intelligence (Pike Committee), including the publication of the Pike Committee report in The Village Voice.

We have in process in the various agencies in the Intelligence Community a review of the material published in The Village Voice to determine which of it is classified. The Central Intelligence Agency has completed its review and the other agencies in the Community are providing their comments as they complete their reviews. We will be pleased to make available to you the Community's assessment and analysis of the classified information leaked to The Village Voice as soon as we have completed it. We will not be prepared, however, to give an abstract statement of what can be declassified for purposes of prosecution. A determination of this kind will depend to some extent on your opinion of what needs to be declassified and your judgment as to the possible success of prosecution. With these considerations in mind, we can then determine the benefits of a possibly successful prosecution against the risks and losses involved in declassification and the resulting official confirmation of the information published in The Village Voice.

The statement attributed to former Director of Central Intelligence William E. Colby in a Washington Post article of 30 March 1976 probably is not accurate. That article reported that Mr. Colby said that Daniel Schorr "carried out his obligation to the First Amendment ... and should not be punished" for turning over the Pike Committee report to The Village Voice. Mr. Colby says he does not think there was a transcript made of his speech at Tulane University and, therefore, there will be no precise record of what he said. However, he states that what he probably said and what he meant was that he thought Daniel Schorr was protected by the First Amendment in making his decision to release



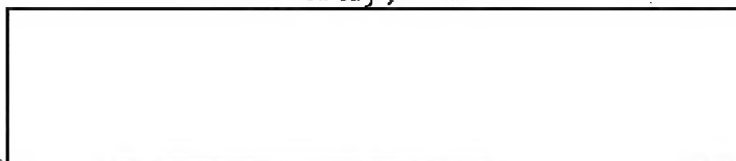
the report to The Village Voice, and in doing so probably thought he was carrying out his obligation as a newsman.

I would call your attention to the fact that frequently in public appearances, when discussing this subject, Mr. Colby has stressed the point that the person who should be punished is the person who leaked the report to Daniel Schorr and not Daniel Schorr himself.

I expect that the assessment and analysis of the information published by The Village Voice will be completed quite soon and I will let you know when it is so that you can review it.

STAT

Sincerely,



Deputy General Counsel

OGC:JDM:sin (29 Sept 76)

Distribution:

1 - DCI

1 - Asst. to DDCI

~~1~~ - D/Security

1 - OLC

1 - OGC